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TAGS: [PARM](#) [PREL](#) [IAEA](#) [KNNP](#) [ENRG](#) [ETTC](#) [IN](#) [GM](#)
SUBJECT: (C) NSG CHAIRMAN EXPECTS PUSHBACK ON INDIA
CIV-NUKE DEAL

REF: A. BERLIN 1051
[1](#)B. STATE 85948

Classified By: Economic Minister-Counselor Robert Pollard
for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: At an August 13 meeting with EMIN and Econoff, Nuclear Suppliers Group (NSG) Chairman Viktor Elbling and staff stressed support for an NSG exception for India and agreed with the USG on the need to press for a consensus at the upcoming Extraordinary NSG Plenary in Vienna on August 21-22. He was not optimistic about the odds of reaching an agreement in August, however, given likely objections from other NSG members, and foresaw the need for a second meeting. Members of the German delegation reported that Germany is inclined to favor text modifications reflecting a concern about India's non-proliferation credibility. Despite the significant obstacles ahead, we believe that in the end, both Elbling and the Germans will strenuously work to shape a result that will support the fundamental principles of the U.S. approach. End Summary.

KEEPING THE SCHEDULE ON TRACK: PUSHING FOR AUGUST CONSENSUS

[1](#)2. (C) As NSG Chairman, Elbling said he would manage the deliberative process in a way supportive of USG objectives to reach an NSG consensus in the August 21-22 Plenary. He strongly discouraged hypothetical discussions about a date for a second Plenary, even though he admitted that one probably would be necessary. Elbling took exception to recent media speculation on an alleged second Plenary date scheduled for September 2 and denied that either he or the MFA had ever proposed this. In fact, he feared that such speculation would actually undermine the goal of achieving consensus at the first meeting, as some NSG members would lose focus, and others would use it as an excuse for further delay. (COMMENT: On July 25, MFA State Secretary Reinhard Silberberg had told the Charge d'Affaires (CDA) that Germany did not want to convey the impression that "the job cannot get done in the first meeting." END COMMENT) He did worry, however, that even if the NSG reached consensus, certain members would naturally feel compelled to consult with their Cabinet or Parliament, adding another element of uncertainty on the timing.

NOTHING SAID YET, BUT GERMANY ANTICIPATES OPPOSITION

[1](#)3. (C) Elbling anticipates dissenting voices among the NSG members because of proliferation concerns, but so far he has not received any official notice from any NSG member, nor any

word on the issues they are likely to bring up. He had heard, for example, that New Zealand, Switzerland, Sweden, Ireland, and Austria are among the likely skeptics, but all remain tight-lipped about their concerns.

¶4. (C) Nonetheless, Elbling said he fully expects that some NSG members would challenge the agreement because of the alleged weakness of India's assurances. Elbling noted that critics had claimed, inter alia, that

- India's moratorium on nuclear testing is strictly voluntary and not in any way legally binding;
- there was no guarantee that even if an NSG agreement were in place, India would not recommence testing if Pakistan, for instance, were to begin testing weapons of its own;
- the current NSG exceptions text contains no assurances that India will not re-export enrichment technology;
- the deal might set a bad precedent. If this deal were put in place for India, what would stop other non-NSG countries from lining up for similar concessions?

¶5. (C) Elbling made it clear that he did not share these views and was prepared, if necessary, to forcefully counter these points and promote the advantages of an accord with India at the Plenary, but as the NSG Chair, he would not want to be drawn into an extended debate. Moreover, the opportunity to air complaints on the first day could in his view set the stage for movement toward a possible consensus the next day.

GERMANY MAY RAISE CONCERNS FOR DOMESTIC POLITICAL REASONS

¶6. (C) Elbling had previously warned us (REF A) that Germany would raise questions about the draft text, in part to satisfy skeptics in the Bundestag and their constituencies. In this meeting, Elbling assured us that there was core political support from Chancellor Merkel and Foreign Minister Steinmeier on the India agreement. He likewise reiterated his support of U.S. objectives, balanced by his obligation to serve as an honest broker.

¶7. (C) Elbling, on the other hand, was careful to distance himself from the German delegation, making it clear that its function is independent from his role as NSG Chair. Polster and Lingenthal -- members of the German NSG delegation also present in the meeting -- indicated to us that they would indeed welcome a discussion in the Plenary on stronger assurances from India, such as a firmer pledge not to test again. Elbling also added that the Germans might raise the issue of what an India deal would mean for the non-proliferation regime overall. (COMMENT: Although Polster and Lingenthal are seasoned experts on these issues, they will not by their own account make the final call; that will be up to the political leadership. END COMMENT)

¶8. (C) Lingenthal further observed that there is not a strong domestic consensus in Germany in favor of the deal. Elbling confirmed that he fully expected some opposition in the Bundestag from all sides of the political spectrum, but this would not influence the government's position. (COMMENT: In his remarks to CDA, Silberberg had also stated that German parliamentarians were very active on this issue and that many German non-proliferation purists opposed the deal. END COMMENT) Lingenthal's bottom line was that NSG members would need to weigh the advantages of a new strategic partnership with India against their nonproliferation objectives.

¶9. (C) COMMENT. In an aside with EMIN, Elbling admitted he was "not optimistic" about the odds of success in the NSG deliberations, not because the arguments for the agreement were not sound, and not because the U.S. would not receive strong support from like-minded countries, including Germany. Rather, he was gravely concerned because of the need to achieve unanimity among all 45 NSG members, and because of the very tight deadline they were working under. We remain convinced, however, that Elbling will work strenuously to

facilitate success, and Germany will back the India exception after all is said and done. Elbling indicated that he and the German delegation would arrive early in Vienna to permit bilateral discussions with other NSG members, and that he especially welcomed the opportunity to meet with the U.S. delegation.

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